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Attorneys for Defendant
UNITED AIR LINES, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SUSAN McDONALD,

Plaintiff,

v.

UNITED AIRLINES,

Defendant.

CASE NO. C-07-02626 MMC

**INITIAL JOINT CASE MANAGEMENT
CONFERENCE STATEMENT;
[PROPOSED] ORDER**

Date: August 24, 2007

Time: 10:30 a.m.

Courtroom: 7, 19th Floor

The parties to the above-entitled action jointly submit this Case Management Statement and Proposed Order and request the Court to adopt both.

1. Brief description of underlying events:

Plaintiff Susan McDonald alleges that on September 19, 2006 she was a passenger on United Air Lines, Inc. ("UAL") flight 931 from London to San Francisco. Plaintiff alleges that, while *en route*, she was burned by hot coffee and that this incident constituted an "accident" under the Montreal Convention. Plaintiff alleges personal injuries from this incident. Plaintiff contends that this incident was caused by UAL's alleged negligence. UAL disputes that it was negligent or responsible for any injury or damages to plaintiff.

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2. Disputed factual issues:

Since discovery is not yet open, the parties do not yet know if there are disputed factual issues.

3. Disputed legal issues:

The parties do not yet know if there are disputed legal issues.

4. Other factual issues unresolved at this time:

Not applicable.

5. Parties who have not been served:

Not applicable.

6. Additional parties to be joined:

No parties are expected to be added or dismissed at this time, though the parties reserve their right to do so during the course of discovery or upon learning information that warrants such additions or dismissals.

7. Consent to Magistrate Judge for all purposes:

The parties have not stipulated to the assignment of a magistrate judge at this time.

8. ADR assignment:

The parties have not yet been assigned to an ADR process.

9. ADR request:

The parties request assignment to a Magistrate Judge for a settlement conference, to be conducted after sufficient discovery for the conference to be meaningful.

10. Disclosures:

The parties will comply with the initial disclosure requirements of Federal Rule of Civil Procedure 26 by the time of this Initial Case Management Conference.

11. Discovery and discovery plan:

No discovery has been taken to date. The parties do not desire any deviation from the Federal Rules. The parties propose the following discovery cut-offs:

Percipient discovery – 90 days before trial;

Expert disclosures – 75 days before trial;

Supplemental disclosures – 60 days before trial;

Expert discovery – 30 days before trial;

Proposed trial date – May 2008

The parties propose that any dispositive or partially dispositive motions shall be heard no later than 30 days before trial.

12. Requested trial date:

November, 2008

13. Trial:

The case will be tried by a jury. The expected length of the trial is five court days.

DATED: August 13 2007

**THE CARTWRIGHT LAW FIRM,
INC.**

By: 

JOHN F. MORKEN
Attorneys for Plaintiff
SUSAN McDONALD

DATED: August 13 2007

KENNEY & MARKOWITZ L.L.P.

By: 

DONALD S. HONIGMAN
KYMBERLY E. SPEER
Attorneys for Defendant
UNITED AIR LINES, INC.

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Kenney
&
Markowitz
L.L.P.

ORDER

SO ORDERED.

August __, 2007

JUDGE MAXINE M. CHESNEY

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&
Markowitz
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MCDONALD V. UNITED AIRLINES, ET AL.
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JOINT INITIAL CASE MANAGEMENT CONFERENCE STATEMENT

Susan McDonald v. United Airlines, Inc.
USDC Northern District Case # C 07-02626 EDL

PROOF OF SERVICE

[C.C.P. §2008, F.R.C.P. Rule 5]

I, the undersigned, state:

My business address is 255 California Street, Suite 1300, San Francisco, California 94111. I am employed in the City and County of San Francisco. I am over the age of eighteen years and not a party to this action. On the date set forth below, I served the foregoing documents described as follows:

**INITIAL JOINT CASE MANAGEMENT CONFERENCE STATEMENT;
[PROPOSED] ORDER**

on the following person(s) in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

COUNSEL FOR PLAINTIFF
SUSAN McDONALD

John F. Morken
THE CARTWRIGHT LAW FIRM, INC.
222 Front Street, 5th Floor
San Francisco, CA 94111
Tel: 415.433.0444
Fax: 415.433.0449

☒ BY FIRST CLASS MAIL – I am readily familiar with my firm's practice for collection and processing of correspondence for mailing with the United States Postal Service, to wit, that correspondence will be deposited with the United States Postal Service this same day in the ordinary course of business. I sealed said envelope and placed it for collection and mailing this date, following ordinary business practices.


☐ BY PERSONAL SERVICE – Following ordinary business practices, I caused to be served, by hand delivery, such envelope(s) by hand this date to the offices of the addressee(s).

☐ BY OVERNIGHT MAIL – I caused such envelope to be delivered by a commercial carrier service for overnight delivery to the office(s) of the addressee(s).

☐ BY FACSIMILE – I caused said document to be transmitted by Facsimile machine to the number indicated after the address(es) noted above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed this date in San Francisco, California.

Dated: August 13, 2007



Lynne Amerson